

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

NATHAN M. BLAYLOCK,)	CV-06-153-BLG-RFC
)	
Plaintiff,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATION OF U.S.
GALLIGOS CORPORATION,)	MAGISTRATE JUDGE
)	
Defendant.)	
)	

On February 14, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's complaint without prejudice for lack of federal jurisdiction.

Upon service of a magistrate judge's findings and recommendation, Defendant had 10 days and Plaintiff had 20 days to file written objections. 28 U.S.C. § 636(b)(1).¹ In this matter, no party filed objections to the February 14, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review *de novo* the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

¹Title 28 U.S.C. § 636(b)(1) provides for a 10 day objection period, but in prisoner cases, this Court extends the time to object to twenty days in order to take into account the Supreme Court's ruling in *Houston v. Lack*, 487 U.S. 266, 270-71 (1988), and the somewhat greater mailing time that is involved in sending documents into and out of a prison facility.

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's complaints (*Doc. 1*) is **DISMISSED WITHOUT PREJUDICE** and all pending motions are **DENIED AS MOOT**.

The Clerk of Court shall notify the parties of the entry of this Order and close this case.

DATED the 8th day of March 2007.

/s/ Richard F. Cebull _____
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE